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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,203	01/29/2001	Heino Hameleers	34648-00464USPX	9668

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ERICSSON INC.
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PLANO, TX 75024

EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,203

Applicant(s)

HAMELEERS ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11,14 and 15 is/are allowed.
- 6) ☒ Claim(s) 12-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/772,203.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-11 and 14-15 are allowed.

The following is an examiner's statement of reasons for allowance:

In response to argument i.e., pages 5-7, paper No. 11. Regarding claim 1, as noted by the applicant, Valentine (US Patent No. 6,130,879) does not qualify as prior art because Valentin as well as the applicant were owned by Telefonaktiebolaget LM Ericsson at the time the invention was made. The prior art teaches all the limitations of claim 1.

However, the prior art does not teach of **comparing the parameter values describing possible payload connections between the core network and the first access network, with parameter values of possible payload connections between the core network and the access network servicing the first party.**

comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikkonen (Mikkonen, Jouni; US Patent No. 6,587,457 B1).

3. Regarding claim 12, Mikkonen teaches of a network node for a cellular communication network (column 3, lines 48-51) that offers data connections (column 6, lines 1-2), comprising a connection calculation unit for the calculation of parameter values describing possible payload connections between the network node and an access network (column 8, lines 5-13).

a parameter comparison unit for the comparison of the calculated parameter values with parameter values received from a further network node and a processing unit for handling input and output of parameter values, and seizure of payload

transmission resources and the set up and through-connection of a payload connection (column 8, lines 21-24).

4. Regarding claim 13, Mikkonen teaches of a network node for a cellular communication network (column 3, lines 48-51) that offers data connections (column 6, lines 1-2), comprising a connection calculation unit for the calculation of parameter values describing possible payload connections between the network node and an access network (column 8, lines 5-13).

a parameter comparison unit for the comparison of the calculated parameter values with parameter values received from a further network node and a processing unit for handling input and output of parameter values, and seizure of payload transmission resources and the set up and through-connection of a payload connection(column 8, lines 21-24).

a processing unit for handling input and output of parameter values, and seizure of payload transmission resources and the set up and through-connection of a payload connection as an inherited extension of the system (column 1, lines 20-23).

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Chung (Chung et al.; US patent No.: 6,584,108 B1).

Regarding claim 16, Chung teaches of a method of operating a reliable link protocol (columns 5 and 6, lines 65-67 and 1-8, respectively), comprising the step of setting, at an exchange identifier negotiation (column 28, lines 66-67 and column 29, lines 1-14, where the "identifiers" are the addresses of the source and destination; also, column 9, lines 56-67; where the negotiation is done according to the protocol), time out

Art Unit: 2684

values before an exchange identifier command is sent again, on different values for call originating user equipment and a call user equipment (column 3, lines 34-36).


5. Applicant's arguments with respect to claims 12, 13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-305-8724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay A. Maung
(SPE)

Art Unit 2684

March 22, 2004